City of Seattle

Department of Planning and Development
D. M. Sugimura, Director

CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT

Application Number: 3010926

Applicant Name: Patrick Foley

Address of Proposal: 2030 8th Avenue

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a 39-story structure with 380 residential units above 3,507 sq. ft. of retail at ground floor. Parking for 350 vehicles to be provided within the structure, with 29 work studios at the parking levels. Review includes demolition of existing 20,000 sq. ft. office and retail building. Includes Addendum to the Downtown Height and Density Changes Environmental Impact Statement (January 2005).

The following approvals are required:

Design Review pursuant to Chapter 23.41 Seattle Municipal Code, with Departures:

Development Standard Departure to allow more than the maximum tower width SMC 23.49.058.D.2

Development Standard Departure to reduce the amount of required street level uses SMC 23.49.009.B.3

Development Standard Departure to allow more than the maximum façade height at a green street SMC 23.49.058.F.2

Development Standard Departure to allow more than the maximum depth for a structural building overhang SMC 23.53.035.A.2

Development Standard Departure to allow more than the maximum overhead canopy height SMC 23.49.18.D

SEPA approve, condition pursuant to 25.05.660 - Chapter 25.05, Seattle Municipal Code.

SEPA DETERMINATION: [ ] Exempt [ ] DNS [ ] MDNS [X] EIS*

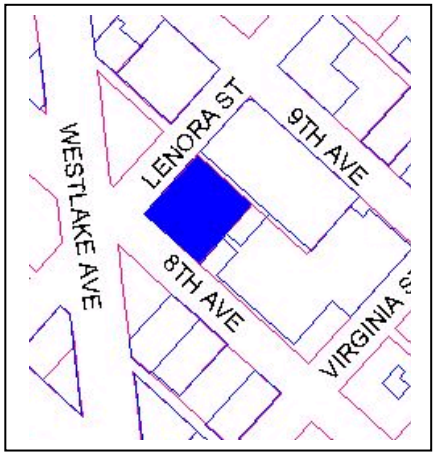
[ ] DNS with conditions

[ ] DNS involving non-exempt grading, or demolition, or another agency with jurisdiction.

*This project includes an Addendum to the Downtown Height and Density Changes Final EIS dated January 2005, which is adopted with this decision.

SITE & VICINITY

Site Zone: DMC 240/290-400



Nearby Zones: (North) DMC 240/290-400
(South) DOC 2 500/300-500
(East) DMC 240/290-400
(West) DOC 2 500/300-500

Lot Area: The rectangular 15,360 square foot lot includes a slight rise in topography from the west corner up to the east corner.

Current Development: The existing use is a two story commercial building with structured and below grade parking. The building was constructed in 1925. The Landmarks Preservation Board has determined the building is not a potential historic landmark (LPB314/06). Several commercial tenants occupy the building.

Access: Vehicular access to the site is from several curb cuts and a shared driveway easement from Lenora Street.

Surrounding Development:

Several new mixed-use residential and retail towers have been constructed to the south, including the Metropolitan Tower and 8th & Virginia. Lower height new mixed-use construction is located to the north. Several older buildings to the east and north are occupied by Cornish College for the Arts. A site owned by the Parks department is located across Lenora Street from the subject property and will be developed as a park in the future. The Talking Book and Braille Library is located adjacent to the site. A Seattle Police Precinct is located immediately adjacent to the south.

ECAs: None.

Neighborhood Character: The site is located in the Denny Triangle area north of downtown in a pedestrian-oriented area with frequent transit service (bus and streetcar). The subject property sits at a low point in the area, which slopes slightly up to the east and west. Nearby parcels to the west are dominated by surface parking lots and 1-2 story older commercial structures. The existing streetscape reflects a mix of height, style, and age of construction types. Lenora Street is a designated Green Street, and 8th Avenue is a designated minor arterial.

PROJECT DESCRIPTION

The proposed development is a 39-story mixed use residential and commercial building with below grade parking accessed from curb cuts at Lenora Street and 8th Avenue. The development would include approximately 380 residential units above 3,507 sq. ft. of retail at ground floor. Parking for 350 vehicles would be located above grade, with 29 work studios at the edges of the parking levels.

DESIGN REVIEW BOARD EARLY DESIGN GUIDANCE SUMMARY (FEBRUARY 9, 2010)

At the Early Design Guidance meeting held on February 9th, 2010 and after visiting the site, analysis of the site and context provided by the proponents, the Design Review Board members provided the following siting and design guidance and identified by letter and number those siting and design guidelines found in the *City of Seattle's Design Review: Guidelines for Downtown Development*" of highest priority to this project:

A-2 Enhance the Skyline
B-1 Respond to the Neighborhood Context
B-2 Create a Transition in Bulk and Scale
B-3 Reinforce the positive urban form & architectural attributes of the immediate area
B-4 Design a well-proportioned & unified building
C-1 Promote pedestrian interaction
C-2 Design facades of many scales
C-5 Encourage overhead weather protection
C-6 Develop the alley facade
D-1 Provide inviting & usable open space
D-2 Enhance the building with landscaping
E-1 Minimize Curb Cut Impacts
E-2 Integrate parking facilities

Summarized and paraphrased from the February 9, 2010 EDG Report, guidance included the following:

- The applicant should work to carefully design the base to create human scale at the street, and create a cohesive design for the entire structure.
    - The above grade parking and storage areas create an additional challenge for activating the base facades.
    - Create a rhythmic façade in human scaled materials and details that relate to the residential and architectural context of the area.
    - Design the tower and corner entry to create a coherent architectural concept, given the larger scale of the tower and the goal of human scale at the entry.
- Design the Lenora Street façade to respond to the Green Street designation, the human scale context, activate the street level, and respond to the future park across the street.
- Landscaping should complement the entire design concept, respond to the Green Street designation, and respond to neighborhood context (Cornish college plan, Braille Library street improvements, future park).
- Minimize curb cut impacts to the pedestrian environment.
- Continue to entertain the proposed departures, but concerned about the proposed Green Street façade height departure, given the proposed parking and storage above grade.

DESIGN RECOMMENDATION MEETING JUNE 22, 2010

On April 14, 2010, the applicant submitted for a Master Use Permit. On June 22, 2010, the Downtown Design Review Board convened for a Design Recommendation meeting. A model of the proposed development, material and color samples, and a presentation of the Recommendation packet graphics were presented for the Board members' consideration.

Dan Foltz of Weber Thompson presented the materials. He noted the following items:

- The proposed housing units would likely be market rate apartments.
- Seattle Department of Transportation (SDOT) has reviewed the proposed extensions into the public right of way and finds them to be acceptable, subject to a yearly renewable permit (the 'scrim' framing the areas on the north and west facades, the proposed balconies at the lower levels, and the proposed overhead weather protection).
- SDOT has also reviewed the proposed curb cut at 8th Avenue and is not opposed to the proposed location.

A summary of changes to the proposal as a result of EDG direction included:

- Building Base:
    - The above grade parking is now proposed to be clad with additional work studios and a façade treatment that includes a larger zinc frame 'scrim' and glass in a variety of colors and opacity.
    - The area behind the glass would have an opaque wall with soft backlighting.
    - The base façade would be lowered at Lenora St and raised at the south façade, reducing the proposed Green Street façade departure. This was done by relocating the internal storage areas from the Lenora St façade to the south façade.
    - The proposed stair tower at the north corner has been relocated to the east façade, adjacent to the vehicular easement.
- Lenora St:
    - Outdoor dining area adjacent to the restaurant use at Lenora St would help activate the street level, and columns would respond to the rhythmic façades in the area.
    - The proposed landscape plan responds to the Green Street designation, the Braille Library needs, and the future park across the street.
        - The applicant has communicated with Geoff Wendtlandt of DPD (including coordination with Cornish College landscape plans), SDOT for street trees, and the Braille Library.
        - Parks Department has no specific landscape or site plans for the future park across the street at this time.
- 8th Ave:
    - Residential entry would be located mid-block and separated from the restaurant entry.
    - The garage entry at 8th Ave would be located further to the north and a retail space would be added at the south edge.

- Corner entry:
    - The corner canopy would be higher and extend further from the building to respond to the larger scale of the tower above (departure requested for the height).
    - The corner entry would instead be two entries – the restaurant entry mid-block at Lenora St, and the residential entry mid-block at 8th Ave.
- Tower:
    - The proposed apartments would not include penthouse units. Instead, a shared common recreation area is proposed at the top floor with an outdoor patio facing south and an enclosed glass area facing north. The orientation will allow maximum outdoor sun exposure to the south and views to the north.

PUBLIC COMMENT

Thirteen members of the public signed the attendance sheet at the Design Recommendation meeting. The following comments were offered:

- Pleased with the overall design.
    - Moved the stairwell away from the street front.
    - Used work studios on the above grade parking façade.
- Concerns regarding the inset entry at Lenora St being out of the line of sight and possibly used by homeless people for sleeping areas.
    - The street level façade should be set back at a consistent line along Lenora, to the level that the western half is shown at now.
- Would the parking be visible from Lenora Street behind the glass façade?
    - No, a solid wall is located behind the glass façade. Only a low wattage glow of backlight would be visible from behind the glass.
- Concerns regarding possible reflection from the glass facades into 2200 Westlake units
- Concern that the design is not "Seattle" and could be found in any city. The design doesn't respond to open views in the area, and instead would block views.
- Concerns about possible noise from the outdoor deck area at the top floor to residents in nearby towers.

BOARD RECOMMENDATIONS

After considering the proposed design and the project context, hearing public comment and reconsidering the previously stated design priorities, the Design Review Board members came to the following conclusions on how the proposed design met the identified design objectives.

1. **Base**

- The site location at the edge of the downtown towers and the location within the platting pattern mean that the proposed development will be visible for a very long time. The applicant has a responsibility to carefully integrate the tower and the base designs, and create a human scale at and near the street level.

- Issues include:
    - Challenge of cladding above-grade parking with application of a human scale material.
    - Consider relocating storage from the 7th/8th levels to another area, and using those levels to provide open space and views to the future park across the street.
    - Create a rhythmic façade in human scaled materials and details that relate to the residential and architectural context of the area.
    - Create a cohesive design, integrating a human scale at the base and corner entry with the scale of the tower above.

A. Site Planning and Massing – Responding to the larger context

A-2 <u>Enhance the skyline</u>. Design the upper portion of the building to promote visual interest and variety in the downtown skyline.

<u>Guidance from EDG</u>: *The platting pattern of this area means that this site is located at the intersection of three streets and is a very visible location. The site is also located on a strong edge condition, with the taller downtown towers beginning immediately to the south. The nearby historic structures, the proposed park at Westlake and Lenora, the location of Cornish College in many lower buildings, and the lower height zoning to the north will leave this site at the leading edge of downtown towers for the foreseeable future.*

A tower at this location will be very visible in the skyline, and the tower facades will be highly visible from many angles due to the edge condition. It is therefore very important that the upper portion of the building is designed to meet this guideline. The Board noted that the conceptual designs are 'on the right track' and look forward to seeing further development of the tower concepts.

<u>Recommendation response</u>: The Board recommended that the arbor structure at the top floor on the south facing terrace should appear substantial and in a scale proportional to the tower, as viewed from adjacent towers and from the street level.

The proposal meets this guideline, subject to the conditions listed below.

B. Architectural Expression – Relating to the Neighborhood Context

B-1 <u>Respond to the neighborhood context</u>. Develop an architectural concept and compose the major building elements to reinforce desirable urban features existing in the surrounding neighborhood.

B-2 <u>Create a transition in bulk & scale</u>. Compose the massing of the building to create a transition to the height, bulk, and scale of development in neighboring or nearby less intensive zones.

B-3 <u>Reinforce the positive urban form & architectural attributes of the immediate area</u>. Consider the predominant attributes of the immediate neighborhood and reinforce desirable siting patterns, massing arrangements, and streetscape characteristics of nearby development.

<u>Guidance from EDG</u>: *The immediate neighborhood context has changed over the past few years to become more residential in nature, especially with the development of 2200 Westlake. The architectural context includes newer development and several early 20th century commercial structures that provide a human scale for pedestrians and nearby residences. Lenora Street is a Green Street and should include a focus on the pedestrian environment and landscaping. A park will eventually be developed in the triangular parcel across Lenora Street from the project.*

As noted in Hot Button #1, the above grade parking presents a challenge in creating a human scale at the street level. The proposed development should include a rhythmic human scale façade at the base to respond to the neighborhood context.

The Lenora Street façade should contribute to an active street level, which could include additional building entries and/or outdoor dining areas.

The Lenora Street façade should be designed to respond to the nearby conditions, including the siting of the future park. The proposed massing includes storage at the top of the building base facing Lenora Street. Replacing the 7th and 8th level storage areas with amenity space for views to the future park would be one method to reinforce the positive urban form at this street front.

<u>Recommendation response</u>: The proposed design includes a façade treatment to mask the above grade parking levels, consisting of work studios and fritted glass with soft backlighting. A chase would be located between the glass and the parking to block views of the parking levels from the outside. The glass and work studios would be framed with a zinc 'scrim' (a projecting frame) that would extend from the building. The glass would include a variety of tints in shades of blue, and the work studios would include some small balconies with orange 'gaskets.' The Board encouraged the applicant to hire a glass artist to provide a composition for the variety of glass tints and shades.

The street level now includes a proposed restaurant with entry at Lenora St and a recessed outdoor area to widen the sidewalk and provide outdoor dining areas adjacent to the restaurant. The residential entry would be located at 8th Avenue, in addition to a small retail space between the proposed curb cut at 8th Ave and the Seattle Police Precinct building to the south.

Lenora Street landscaping plan includes large planted areas with street trees, bench seating areas, and a design that responds to the Braille Library and Cornish College streetscape improvements and plans.

The Board noted approval for locating the upper level storage areas to the south side of the building away from the future park, the orientation of the restaurant activity to Lenora St, the treatment of the above grade parking levels, and the proposed landscape plan at Lenora St.

The Board recommended a condition to increase the pedestrian scale of the street level façade, especially at the corner of Lenora St. and 8th Avenue. The relocation of the building entries further to the south and east, and raising the overhead weather protection at the corner result in a façade that doesn't relate well to the small human scale street level context in the area.

The applicant should work with DPD to modify the overhead weather protection at the northwest corner to ensure functional weather protection for pedestrians at the north and west facades, and modify the corner façade treatment to create a more intimate pedestrian scale. Possible methods to achieve human scale include articulation, discrete or smaller building elements, rhythmic architectural expression, and lower canopies.

The proposal meets these guidelines, subject to the conditions listed below.

B-4 Design a well-proportioned & unified building. Compose the massing and organize the publicly accessible interior and exterior spaces to create a well-proportioned building that exhibits a coherent architectural concept. Design the architectural elements and finish details to create a unified building, so that all components appear integral to the whole.

Guidance from EDG: *As described in Hot Button #1 above, the applicant should work to design a structure that includes human scale near the street level, and a cohesive architectural concept with the tower above.*

The Board noted that the additional street level setback at the corner of Lenora St and 8th Avenue is a positive direction, but the entry and canopy needs to be human scale, and the scale needs to relate to the overall tower expression at that corner. The applicant is challenged with creating a coherent architectural concept to relate these opposing scales.

Recommendation response: Comments reflect those related to the streetscape and street level corner design described in the response to guidelines B-1, B-2, and B-3.

The proposal meets this guideline, subject to the conditions listed below.

C. The Streetscape – Creating the Pedestrian Environment

C-1 Promote pedestrian interaction. Spaces for street level uses should be designed to engage pedestrians with the activities occurring within them. Sidewalk-related spaces should be open to the general public and appear safe and welcoming.

Guidance from EDG: *The Lenora Street façade should contribute to an active street level, which could include additional building entries and/or outdoor dining areas. The corner development at 8th Avenue and Lenora Street should promote pedestrian interaction through appropriate siting of outdoor dining areas and streetscape development to encourage pedestrian interaction.*

Recommendation response: The Board responded positively to the proposed Lenora Street façade, including the restaurant entry location, the street level façade setback with outdoor dining area and wider sidewalk.

The proposal meets this guideline.

C-2 Design facades of many scales. Design architectural features, fenestration patterns, and materials compositions that refer to the scale of human activities contained within. Building facades should be composed of elements scaled to promote pedestrian comfort, safety, and orientation.

Guidance from EDG: *Comments reflect the guidance related to Hot Button #1 and guideline B-4. The Board noted that the design needs to integrate a human scale near the street level with the scale of the tower. The solution isn't necessarily facades of many scales, but instead a 'marriage' of these facades in an overall cohesive design. The Board noted that the proposed above grade parking will present a challenge in creating human scaled façade design on the base. Providing occupied spaces at the base would show human activity and provide eyes on the street.*

Recommendation response: Comments reflect those related to the streetscape and street level corner design described in the response to guidelines B-1, B-2, and B-3.

The proposal meets this guideline, subject to the conditions listed below.

C- 5 Encourage overhead weather protection. Encourage project applicants to provide continuous, well-lit, overhead weather protection to improve pedestrian comfort and safety along major pedestrian routes.

Guidance from EDG: *The Board applauded the proposed continuous overhead weather protection in a variety of heights and depths to create visual interest. The corner canopy may need some attention to create overhead weather protection that is low enough to be functional and at human scale, while also relating to the overall tower expression at that corner.*

Recommendation response: Comments reflect those related to the streetscape and street level corner design described in the response to guidelines B-1, B-2, and B-3. Specifically related to this guideline, the Board directed the applicant to work with DPD to modify the overhead weather protection to ensure functionality and create human scale street level development.

The proposal meets this guideline, subject to the conditions listed below.

D. Public Amenities – Enhancing the Streetscape and Open Space

D- 1 Provide inviting & usable open space. Design public open spaces to promote a visually pleasing, safe, and active environment for workers, residents, and visitors. Views and solar access from the principal area of the open space should be especially emphasized.

Guidance from EDG: *Comments reflect the guidance related to street level open space at the corner of 8th Avenue & Lenora Street (see guidance in response to guidelines C-1 and C-5).*

Recommendation response: The Board responded positively to the proposed Lenora Street façade, including the restaurant entry location, the street level façade setback with outdoor dining area and wider sidewalk.

The Board recommended that the applicant modify the proposed overhead weather protection at the corner, as described in response to guideline C-5.

The proposal meets this guideline, subject to the conditions listed below.

D- 2 Enhance the building with landscaping. Enhance the building and site with substantial landscaping—which includes special pavements, trellises, screen walls, planters, and site furniture, as well as living plant material.

Guidance from EDG: *The proposed green wall on the south facing façade adjacent to the Seattle Police Precinct driveway on 8th Avenue needs additional design attention. If a green wall is proposed at this location, it should relate architecturally to the overall design concept at other facades and street level development.*

Additional detail regarding the proposed landscape plan should be presented at MUP application and in the Design Recommendation meeting materials.

Recommendation response: The applicant modified the proposal since EDG to remove the south facing green wall from the proposal. Landscaping was instead focused on the street level areas at the sidewalks on Lenora St and 8th Ave, as described in response to guidelines B-1, B-2, and B-3. The Board expressed support for the thoughtful landscape design that reflects the context and plans for other streetscape improvements in the area. The proposal meets this guideline.

E. Vehicular Access and Parking – Minimizing the Adverse Impacts

E-1 Minimize curb cut impacts. Minimize adverse impacts of curb cuts on the safety and comfort of pedestrians.

Guidance from EDG: *There was general Board support for the proposed curb cut at 8th Avenue, since it was seen as removing potential traffic from Lenora Street and it would be located next to the Seattle Police Precinct driveway on 8th Avenue.*

The Board noted that if the proposed design includes the curb cut at 8th Avenue, it should be designed to minimize conflicts with the pedestrian environment and should be designed to minimize visual impacts to the streetscape.

Recommendation response: The applicant has proposed the 8th Ave curb cut would be a minimal width, with proposed street level landscaping, and a small retail space between the curb cut and the Police Precinct to the south. Landscaping areas and street trees in the sidewalk will help to minimize the appearance of the curb cut. The small retail space between the proposed curb cut and the existing Police Precinct curb cut will help to minimize the appearance of curb cuts at 8th Ave.

The proposal meets this guideline.

E-2 Integrate parking facilities. Minimize the visual impact of parking by integrating parking facilities with surrounding development. Incorporate architectural treatments or suitable landscaping to provide for the safety and comfort of people using the facility as well as those walking by.

Guidance from EDG: *Comments reflect the guidance related to screening the building base, which consists largely of above grade parking (see guidance in response to Hot Button #1 and guidelines B-1, B-2, B-3, B-4, C-2, and D-2). The Board suggested wrapping the corners with the work loft uses on the base.*

The guidance also includes better utilization of the upper levels of the building base to take advantage of the views to the north (see guidance in response to guideline B-3).

Recommendation response: Modifications to the above grade parking level façade treatment is described in response to guidelines B-1, B-2, and B-3. The Board expressed support for the playful and interesting façade treatment, given the challenge of creating a sense of human scale treatment for above grade parking.

The proposal meets this guideline.

DEVELOPMENT STANDARD DEPARTURES

The Board's recommendation on the requested departure was based upon the departure's potential to help the project better meet the design guideline priorities and achieve a better overall design than could be achieved without the departure.

1. **Maximum Tower Width (SMC 23.49.058.D.2):** The Code requires maximum façade width of 120' or 80% of the lot width for areas above 85' height. The applicant proposes 110' or 92% of the lot width at the widest point of the tower. The departure is to allow a tapered tower with functional spaces and visual interest.

   This departure would provide a building design that would better meet the intent of Design Review Guidelines B-4 and C-2 by creating a coherent overall building design with visually interesting shapes. The Board unanimously recommended that DPD grant the departure for maximum tower width.

2. **Street Level Use (SMC 23.49.009.B.3):** The Code requires at least 75% of the street level be from the list of required uses. Required uses shall be within 10' of the property line. The applicant proposes to decrease the required street level use to 43.5% along 8th Ave. The Board had requested that the applicant orient the retail and restaurant uses to Lenora St, in order to activate that façade and take advantage of the future park activation across the street. Lenora St is not required to have this level of street use. The applicant has also added a small retail space to 8th Ave with the lobby that is intended for active use.

This departure would provide a building design that would better meet the intent of Design Review Guidelines B-1, C-1 and D-1 by creating active uses and access to those uses from the Green Street (Lenora Street). The Board unanimously recommended that DPD grant the departure.

3. **Façade Height on a Green Street (SMC 23.49.058.F.2):** The Code requires the maximum height of a façade at a green street shall be 45'. Above that, the building shall be set 15' back from the property line. The applicant proposes 53' maximum height on Lenora Street, including the top of the railing and a 6' setback above 53', to allow the curve of the tower to extend out. Above grade parking has been placed near the south façade, providing a height difference in the lower levels of the structure and breaking the monotonous appearance of horizontal mass at those levels. The railing at the top of the Lenora St 53' height would be glass, so the appearance of wall height would be closer to 51'. The street level has been set back to allow a wider sidewalk with enhanced planting and seating areas.

   This departure would provide a building design that would better meet the intent of Design Review Guidelines B-4 and C-2 by creating a coherent overall building design with visually interesting shapes. Three Board members supported the entire departure request. 1 Board member supported the Green Street façade height, but not the reduction of the required 15' setback above 45' height.

4. **Structural Overhang (SMC 23.53.035.A.2):** The Code requires a maximum projection of 1' and a maximum vertical dimension of 2'6" for overhead horizontal projections for architectural detail. The applicant proposes an 18" horizontal projection and elimination of the 2'6" vertical dimension for a zinc architectural element that frames the lower stories of the building.

   This departure would provide a building design that would better meet the intent of Design Review Guidelines B-4 and C-2 by creating a coherent overall building design with visual interest in the façade treatment. The Board unanimously recommended that DPD grant the departure.

5. **Overhead Weather Protection (SMC 23.48.018.D** The Code requires overhead weather protection to be located 10-15' above the sidewalk. The applicant proposed a 19' high canopy at the corner of Lenora St and 8th Ave, to relate to the scale of the overall building facade.

   This departure would provide a building design that would better meet the intent of Design Review Guidelines D-1 by creating usable pedestrian open space, subject to the conditions recommended by the Board. The Board unanimously recommended that DPD grant the departure, with the condition that the applicant reduces the height of the canopy below 19'.

BOARD RECOMMENDATION

The recommendations summarized below were based on the design review packet dated June 22, 2010, and the materials shown at the June 22, 2010 Design Recommendation meeting. After considering the site and context, hearing public comment, reconsidering the previously identified design priorities and initial recommendation conditions, and reviewing the plans and renderings, the four Design Review Board members recommended APPROVAL of the subject design and the requested development standard departures from the requirements of the Land Use Code (listed below). The Board recommends the following CONDITIONS (Authority referred in the letter and number in parenthesis):

1. The arbor structure at the top floor on the south facing terrace should appear substantial and in a scale proportional to the tower, as viewed from adjacent towers and from the street level. The proposed design should be reviewed and approved by the Land Use Planner prior to publishing of a Master Use Permit. (A-2)
2. The overhead weather protection at the northwest corner should be modified to ensure functional weather protection for pedestrians at the north and west facades, and the corner façade treatment should be modified to create a more intimate pedestrian scale. Possible methods to achieve human scale include articulation, rhythmic architectural expression, and lower canopies. The proposed corner and canopy design should be reviewed and approved by the Land Use Planner prior to publishing of a Master Use Permit. (B-1, B-2, B-3, B-4, C-2, C-5, D-1)

Response to Design Review Board Recommended Conditions:

1. The applicant has modified the proposed arbor structure to a more substantial material and a darker color to relate to the scale of the tower, as shown in the MUP plan set. This recommended design review condition has been satisfied.
2. The applicant has modified the proposed overhead weather protection to 18’ high at the corner and 16’ high at the residential entry on 8th Avenue. The applicant has also modified the corner façade treatment. These modifications are shown in the MUP plan set. This recommended design review condition has been satisfied.

The proposed design and Development Standard Departures are **APPROVED WITH CONDITIONS**.

ANALYSIS - SEPA

Environmental review is required pursuant to the Washington Administrative Code 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05). The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. The Overview Policy states, in part, “Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation” subject to some limitations. Under such limitations/circumstances (SMC 25.05.665) mitigation can be considered.

A Final Environmental Impact Statement (FEIS) was published for the Downtown Height and Density Changes proposal in January 2005. The FEIS identified and evaluated the probable significant environmental impacts that could result from changing the height and density requirements in several downtown zones. That analysis evaluated the direct, indirect and cumulative impacts of the Preferred Alternative and alternatives.

The subject site is within the geographic area that was analyzed in the FEIS and is within the range of actions and impacts that were evaluated in the various alternatives. The proposed development lies within the DMC 240'/290'-400' zoning district and the environmental impacts of a height increase to 400 feet at the project site were adequately evaluated as part of the non-project FEIS. DPD determined that it is appropriate to adopt the FEIS and prepare an EIS Addendum to add more detailed, project-specific information related to the proposed development.

DPD has identified and adopts the FEIS prepared for and in conjunction with amendments to the Land Use Code, Seattle Municipal Code section 23.49, concerning Downtown Seattle. DPD relies on SMC 25.05.600, allowing the use of existing environmental documents as part of its SEPA responsibilities with this project. DPD has determined that the proposed impacts for this Master Use Permit are identified and analyzed in the referenced FEIS; however additional analysis is warranted as permitted pursuant to SMC 25.05.625-630, through an Addendum to the FEIS.

The EIS Addendum and related documents addressed the following areas of environmental impact:

- Construction – Noise and Traffic
- Height Bulk and Scale
- Historic Preservation
- Land Use
- Parking
- Public Views
- Shadows on Open Spaces
- Traffic and Transportation

An Addendum analyzing these areas of environmental impact was prepared and the Notice of Adoption and Availability of Addendum ("Addendum to the Final EIS for the Downtown Height and Density Changes, Prepared for 2030 8th Avenue Apartments, June 2011") was published in the City's Land Use Information Bulletin on June 30, 2011. A copy of the Addendum was sent to parties of record that commented on the EIS for the downtown code amendments. In addition, a copy of the notice was sent to parties of record for this project.

ENVIRONMENTAL IMPACTS

The following is a discussion of the impacts identified in each element of the environment, along with indication of any required mitigation for the impacts disclosed. The impacts detailed below were identified and analyzed in the FEIS with more specific project-related discussion in the 2011 Addendum and related documents.

SMC 25.05.600.D allows for existing environmental documents to be used. As stated above, this project includes the adoption of the FEIS along with the development of an Addendum to analyze and mitigate site specific impacts not disclosed in the EIS. An additional area of impact that was not discussed in the EIS – Construction – is analyzed with the Addendum and related documents for this project. The authority to allow for additional analysis is in SMC 25.05.600.D.3, as long as the analyses and information does not substantially change the analysis of significant impacts or alternatives in the existing environmental document, that being the FEIS.

A. Long Term Impacts Identified in the FEIS

The following is a discussion of the impacts identified in each element of the environment, along with indication of any required mitigation for the impacts disclosed. The impacts detailed below were identified and analyzed in the FEIS.

Height Bulk and Scale

The design review process conducted in conjunction with the proposed development is intended to mitigate adverse impacts for height, bulk and scale. The architecture and urban design features of the proposed structure are described in the aforementioned Design Review portion of this report and are summarized in the Addendum. Therefore, the Department concludes that no adverse impacts exist from the proposal and the proposed development does not contribute significant adverse impacts requiring mitigation. Condition #1 at the end of this document assures that the proposed development will be consistent with the height, bulk, and scale reviewed in the design review process. The height, bulk, and scale impacts have been adequately mitigated through the design review process and no additional conditions are warranted.

Historic Preservation

The Landmarks Preservation Board has reviewed the existing structure on site and denied the designation of the building as an historic landmark. There are no historic landmarks adjacent to or across the street from this site. Accordingly, no mitigation of impacts is warranted pursuant to the applicable SEPA policies.

Land Use

SMC 25.05.675.J establishes policies to ensure that proposed uses in development projects are reasonably compatible with surrounding uses and are consistent with applicable City land use regulations and the goals and policies set forth in the land use element of the Seattle Comprehensive Plan. Subject to the Overview Policy set forth in SMC Section 25.05.665, the decision maker may condition or deny any project to mitigate adverse land use impacts resulting from a proposed project. Density-related impacts of development are addressed under the policies set forth in SMC 25.05.675 G (height, bulk and scale), M (parking), R (traffic) and O (public services and facilities) and are not addressed under this policy.

The FEIS included an analysis of how the code changes were consistent with land use policies based on impacts disclosed in the FEIS. The Addendum analyzed applicable development standards in the land use code and the zoning for the site and the surrounding area. Therefore, the department concludes that no adverse land use impacts will occur as a result of the proposal.

Parking

The proposed development will provide below grade parking for 350 vehicles, accessed from curb cuts at 8th Avenue and Lenora Street. An additional 120 bicycle parking spaces would be provided in the parking garage. 70 existing parking spaces will be eliminated from the site, along with the 28,800 square feet of commercial uses in the existing building.

No parking for residential uses is required downtown per the Land Use Code, and there is no authority to mitigate the impact of development on parking availability in the downtown area under SEPA (SMC 25.05.675.M.2).

The applicant has provided parking information in a traffic study ("Traffic Impact Study, September 1, 2010"). The proposed number of parking spaces exceeds the maximum demand for parking from the proposed uses. It is anticipated that the proposed parking demand will not adversely impact parking within the site vicinity. No mitigation is required.

Public Views

SMC 25.05.675.P requires that the Director assess the extent of adverse impacts on public views and the need for mitigation. The Addendum provides an analysis of view impacts to designated parks, landmarks, public places, skyline views and scenic routes as a result of the proposed development.

The proposed structure is not anticipated to affect views of the mountains, downtown skyline or major bodies of water from designated public places, including Four Columns Park, the closest viewpoint that could potentially be affected. The proposed building is also not anticipated to block public views of identified historic landmarks from designated locations. Finally, the proposed structure is not anticipated to affect views of the Space Needle from the Viaduct, Interstate 5, the downtown skyline or other designated viewpoint location. The proposed action would affect cross-site views from residential dwellings and office buildings located proximate to the subject site. However, private views are not protected by City regulations.

It is anticipated that the proposed action will not adversely impact public views, and no mitigation is required.

Shadows on Open Spaces

SMC 25.05.675.Q requires that the Director assess the extent of adverse impacts of shadows on designated downtown open spaces and the need for mitigation. The analysis of sunlight blockage and shadow impacts is limited in the downtown and for this project analysis was only required for Westlake Plaza, and Victor Steinbrueck Park. The applicant also chose to analyze shadow impacts to the Pike Place Market.

Due to the increased building heights contemplated in the FEIS, shadows will increase; however, additional shadowing of any of these downtown parks is not expected to change significantly. A shadow analysis was prepared for the Addendum that demonstrates shadow impacts from building height, width and façade orientation; and the proximity of other intervening structures, topographic variations and significant landscaping.

A small area of Denny Park would be shadowed by the proposed tower during early morning hours in the winter months. This Park would not be shadowed by the proposed development at any other time of day or year.

Victor Steinbrueck Park and Westlake Park would not be shadowed by the proposed development at any time of day or year.

In summary, some shadow impacts are anticipated in Denny Park during the early morning in winter months. However, the shadows would be located in a small portion of the park, and are anticipated during times of low usage for the park. No shadows are anticipated on any other designated open spaces listed in SMC 25.05.675.Q. Therefore, it is anticipated that the proposed action will not adversely impact shadows on designated open spaces, and no mitigation is necessary.

Transportation

SMC 25.05.675R requires that the Director assess the extent of adverse impacts of traffic and transportation and the need for mitigation. The FEIS analysis considered the direct, indirect and cumulative impacts of that proposal and alternatives as they relate to the overall transportation system. The subject site is within the area analyzed in the EIS and the proposed development is within the range of actions and impacts evaluated in the EIS.

The Traffic Impact Study associated with the proposed development ("Traffic Impact Study, September 1, 2010") referenced in the Addendum found that 348 apartments are estimated to generated approximately 37 new net trips during the AM peak hour and 51 new net trips during the weekday PM peak hour. The study examined four intersections in the project vicinity and found that during the peak hour, all of the signalized study intersections are anticipated to operate at Level of Service C or better by 2014 either with or without the project.

Since the Traffic Impact Study was generated in 2010, the number of apartments have been increased to 380 from 348, and the amount of retail has been decreased to 3,507 square feet from 4,000 square feet.

Given the methodology listed in the Traffic Impact Study, it is expected that this modified proposed development would generate approximately 63 net new trips during the AM peak hour and 79 net new trips during the PM peak hour.

- AM peak hour
    - apartments (0.163 trips per apartment x 380 apartments = 61.89 trips)
    - retail (0.25 trips per 1000 s.f. x 3,507 s.f. = 0.88 trips)
- PM peak hour
    - apartments (0.2 trips per apartment x 380 apartments = 76 trips)
    - retail (0.75 trips per 1000 s.f. x 3,507 s.f. = 2.63 trips)

DPD's Transportation Planner has reviewed the Traffic and Parking Analysis and determined that the additional peak hour trips do not contribute significant adverse impacts requiring mitigation. Accordingly, no mitigation of impacts disclosed in this section is required.

B. Additional Impacts Not Identified in the FEIS

SMC 25.05.600.D allows for existing environmental documents to be used. As stated above, this project includes the adoption of the FEIS along with the development of an Addendum to analyze and mitigate site specific impacts not disclosed in the EIS. The area of impact that was not discussed in the EIS – Construction – is analyzed with the Addendum for this project. The authority to allow for additional analysis is in SMC 25.05.600.D3, as long as the analysis and information does not substantially change the analysis of significant impacts or alternatives in the existing environmental document, that being the FEIS.

Short Term Impacts Not Identified in the FEIS

Air Quality

Demolition of structures and surface paving and transport for demolition will create dust, leading to an increase in the level of suspended particulates in the air, which could be carried by winds out of the construction area. The Street Use Ordinance (SMC 15.22) requires watering the site, as necessary, to reduce dust. In addition, the Puget Sound Clean Air Agency (PSCAA regulation 9.15) requires that reasonable precautions be taken to avoid dust emissions. Demolition could require the use of heavy trucks and smaller equipment such as generators and compressors. These engines would emit air pollutants that would contribute slightly to the degradation of local air quality. Since the demolition activity would be of short duration, the associated impact is anticipated to be minor, and does not warrant mitigation under SEPA.

Decreased air quality is anticipated due to the following: suspended particulates from building activities and hydrocarbon emissions from construction vehicles and equipment; increased dust caused by drying mud tracked onto streets during construction activities; increased traffic and demand for parking from construction equipment and personnel; consumption of renewable and non-renewable resources; construction activities including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture of the construction materials themselves which result in increases in carbon dioxide and other greenhouse gas emissions and adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant and no mitigation is warranted.

Construction

SMC 25.05.675.C provides policies to minimize or prevent temporary adverse impacts associated with construction activities. To that end, the Director may require an assessment of noise, drainage, erosion, water quality degradation, habitat disruption, pedestrian circulation and transportation, and mud and dust impacts likely to result from the construction phase.

Several adopted codes and/or ordinances provide mitigation for some of the identified impacts. The Stormwater Code regulates site excavation for foundation purposes and requires that soil erosion control techniques be initiated for the duration of construction. The Street Use Ordinance requires watering streets to suppress dust, on-site washing of truck tires, removal of debris, and regulates obstruction of the pedestrian right-of-way. The Building Code provides for construction measures in general. Potential construction-related noise impacts can be found in the "Noise" policy discussion below.

Noise

Demolition of existing buildings and excavation will be required to prepare the building sites and foundations for the new building. Additionally, as development proceeds, noise associated with construction of the building could adversely affect the surrounding uses.

The project is expected to generate loud noise during demolition, grading and construction. These impacts would be especially adverse in the early morning, in the evening, and on weekends. The Seattle Noise Ordinance permits increases in permissible sound levels associated with construction and equipment between the hours of 7:00 AM and 10:00 PM on weekdays and 9:00 AM and 10:00 PM on weekends. Some of the surrounding properties are developed with housing and will be impacted by construction noise.

The Addendum includes a series of general and specific measures to mitigate construction noise, vibration air quality and traffic impacts associated with work in the downtown area. These include limiting type of activity based hours of activity and on noise generation. However, given the proximity of residences this limitation may not be sufficient to adequately mitigate noise impacts to surrounding uses.

Therefore, pursuant to SEPA authority, the applicant shall be required to limit periods of construction activities (including but not limited to grading, deliveries, framing, roofing, and painting) to non-holiday weekdays from 7:00 AM to 6:00 PM, unless modified through a Construction Noise Management Plan, to be determined by DPD prior to issuance of a building permit.

All other noise mitigation, aside from the hours of construction listed in the EIS Addendum, shall apply, unless modified through a Construction Noise Management Plan approved by DPD.

Traffic

Traffic management measures to mitigate impacts on the vehicular and pedestrian networks during construction are included in the Addendum and related documents. Mitigation measures will be added as conditions below and include:

1) The applicant or their contractor will provide a construction transportation management plan to DPD and SDOT. The plan shall identify delivery routes for truck trips to minimize disruption to traffic flow on adjacent streets and roadways, and shall identify any necessary signage and flaggers.
2) Allow construction workers to park on site when the parking garage is usable.
3) The applicant or their contractor will ensure that open and safe pedestrian routes adjacent to the site are maintained in a manner approved by SDOT. A SDOT determination that this requirement is not feasible during a period or periods of construction will temporarily override this Condition.

Long Term Impacts Not Identified in the FEIS

Air Quality

Decreased air quality is anticipated due to the following: operational activities, primarily vehicular trips associated with the project and the project's energy consumption, are expected to result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. The anticipated emissions from the completed project have been disclosed in a greenhouse gas worksheet (Appendix H of the Addendum). While these impacts are adverse, they are not expected to be significant.

DECISION - STATE ENVIRONMENTAL POLICY ACT

The proposed action is **APPROVED WITH CONDITIONS**.

CONDITIONS – DESIGN REVIEW

For the Life of the Project

1. Materials and colors shall be consistent with those presented at the design recommendation meeting and the Master Use Plan sets. Any change to materials or colors shall require prior approval by the Land Use Planner (Shelley Bolser 206-733-9067 or shelley.bolser@seattle.gov).

Prior to Certificate of Occupancy

2. The Land Use Planner shall inspect materials, colors, and design of the constructed project. All items shall be constructed and finished as shown at the design recommendation meeting and the Master Use Plan sets. Any change to the proposed design, materials, or colors shall require prior approval by the Land Use Planner (Shelley Bolser 206-733-9067 or shelley.bolser@seattle.gov).

3. The applicant shall provide a Landscape Checklist from Director's Rule 6-2009 indicating that all vegetation has been installed per approved landscape plans. Any change to the landscape plans approved with this Master Use Permit shall be approved by the Land Use Planner prior to landscape installation (Shelley Bolser (206) 733-9067 or shelley.bolser@seattle.gov).

CONDITIONS – SEPA

Prior to Issuance of a Building Permit

4. The applicant or their contractor will provide a construction transportation management plan to DPD and SDOT. The plan shall identify delivery routes for truck trips to minimize disruption to traffic flow on adjacent streets and roadways, and shall identify any necessary signage and flaggers.

5. If the applicant intends to work outside of the limits of condition #6, a Construction Noise Management Plan shall be required, subject to review and approval by DPD (Land Use Planner Shelley Bolser at (206) 733-9067 or shelley.bolser@seattle.gov). The Construction Noise Management Plan shall include (but is not limited to) the proposed mitigation measures listed in the 2011 Addendum for the proposed development.

During Construction

6. All Noise mitigation listed in the May 2011 Addendum, aside from the hours of construction, shall apply, unless modified through a Construction Noise Management Plan approved by DPD. All construction activities are subject to the limitations of the Noise Ordinance. Construction activities (including but not limited to demolition, grading, deliveries, framing, roofing, and painting) shall be limited to non-holiday weekdays from 7am to 6pm. Interior work that involves mechanical equipment, including compressors and generators, may be allowed on Saturdays between 9am and 6pm once the shell of the structure is completely enclosed, provided windows and doors remain closed. Non-noisy activities, such as site security, monitoring, weather protection shall not be limited by this condition.

   Construction activities outside the above-stated restrictions may be authorized upon approval of a Construction Noise Management Plan to address mitigation of noise impacts resulting from all construction activities. The Plan shall include a discussion on management of construction related noise, efforts to mitigate noise impacts and community outreach efforts to allow people within the immediate area of the project to have opportunities to contact the site to express concern about noise. Elements of noise mitigation may be incorporated into any Construction Management Plans required to mitigate any short -term transportation impacts that result from the project.

7. The applicant or their contractor will ensure that open and safe pedestrian routes adjacent to the site are maintained in a manner approved by SDOT. A SDOT determination that this requirement is not feasible during a period or periods of construction will temporarily override this Condition.

Signature: (signature on file) Date: September 12, 2011
Shelley Bolser AICP, LEED AP
Senior Land Use Planner
Department of Planning and Development

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